S.B Civil

IN THE C.G.HIGH COURT OF JUDICATURE AT BILASPUR.

WRIT PETITION NO. 48 /2009

Petitioner: Riazuddin Khan S/o Mohd. Hussain, R/o Rasulpur, Ambikapur, Surguja, Chhattisgarh.

Versus

Respondents:

01. Government of Chhattisgarh through it's Chief Secretary, C. G. State Secretariat, D K Hospital premises, Raipur, C.G.

02. Principle Secretary (Home), Govt of Chhattisgarh, Chhattisgarh State Secretariat, DK Hospital Premises, Raipur, Chhattisgarh.

03. Inspector General of Police, Bilaspur Range, Bilaspur Chhattisgarh.

04. Supdt. Of Police, Baikunthpur/ Koria, Chhattisgarh.

05. Commandant, 12th Btln, SAF, Sakari, Bilaspur, C.G.

P. R. No. 34/Cri
Received by Shri ... Advocate
Dated ... 6-1-2009

Writ Petition u/a article 226/ 227 of the constitution of India.

(16)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No. 48/2001 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

1.5.2001 :

Mr. R.K.Singh for the petitioner.

Mr.Gautam Bhaduri for the State.

No return has been filed on behalf of the respondents. However, on the basis of documents available on record,Mr.Bhaduri submits that in fact a communication has been sent to the Competent Authority for taking necessary and in fact favourable action. Mr.Bhaduri submits that he is not able to inform this Court clearly as to how the competent authority was prevented from issuing the order of appointment to the writ petitioner.

Orderdt. 19.2.2000 annexure P-1 was a selection made in respect of four persons including the writ petitioner giving the appointment to the post of assistant Sub Inspector. The name of the writ petitioner figuresx at S.No.2 of the said order. It is stated that the persons at S.No. 1,3 and 4 have already been given appointment to the post of Assistant Sub Inspector. It is contended that without assigning any reason the petitioner has not been given any order of posting as Assistant Sub Inspector.

Mr.R.K.Singh learned counsel for the petitioner submits that there is no further condition to be fulfilled by the petitioner in the matter of appointment and posting of the

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writ petitioner as ~~sub~~ Assistant Sub Inspector, inasmuch as character certification has already been carried-out by the competent authority. So also physical eligibility certificate has been duly issued by the competent authority. Annexure P-4,dated 23.3.2000 indicates the selection of writ petitioner for appointment of Assistant Sub Inspector.

In view of the aforesaid facts and circumstances of the case,it appears to me that there is no reasonable ground not to issue order of posting of the writ petitioner as Assistant Sub Inspector. It appears to me to be unfair that this petitioner should have been singled out and treated differently among four persons who were selected by the said competent authority for appointment and posting as ASI.

In the result,this petition is allowed. The respondents are directed to issue an order of posting in favour of the writ petitioner as Assistant Sub Inspector within 15 days of receipt of this order.

Sd/-
Chief Justice

GRPRJ—FS/511—1/2001—50,000.